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Intelligence Brief

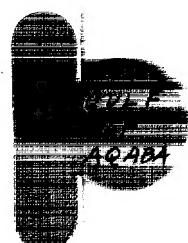
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PROSPECTS FOR AN ARMED CLASH IN THE GULF OF AQABA

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I. THE PROBLEM

The government of Israel has announced that it will test Israel's free access to the Gulf of Aqaba before the end of March. In effect, this challenge is directed not only at Egypt and Saudi Arabia, which have previously denied Israel access to the Gulf through their territorial waters, but also those leading maritime powers which supported Israel's demand for free passage, and, implicitly, its right to protect its own shipping, in the course of recent UN discussions of the Middle East crisis. Saudi Arabia is not expected to initiate action against Israeli shipping unilaterally, but Egyptian intentions have not yet been made clear. If the Egyptians attempt to interfere with the passage of this test voyage, Israel will have given prior notice that it will take protective military action.

II. POSSIBLE CONTINGENCIES

In view of the narrowness of the waters in the Gulf of Aqaba -- 3 to 4 miles at the Strait of Tiran, between 7 and 14 miles wide inside the Gulf itself -- it is impossible for an Israeli-bound ship to gain access to the waterway without going through the territorial waters of Egypt or Saudi Arabia, which overlap in the Strait, and unlikely that it could make its way to the Israeli port of Elath at the far end without passing through Egyptian, Saudi, or Jordanian territorial waters. Thus, if Egypt, Saudi Arabia, or Jordan seek cause to enforce the right of visit and search within territorial waters they will have no problem in finding such cause.

Note. This was circulated at the IAC meeting on 12 March by Mr. Armstrong. No further distribution was made.

THIS IS AN INTELLIGENCE REPORT AND NOT A STATEMENT OF DEPARTMENTAL POLICY

(See IAC M-280 28 March 1957, item 4b)

With the UN forces in occupation at Sharm al-Shaykh and Ras Nasrani, re-establishment of Egyptian control of shipping through the Gulf at its entrance is temporarily prevented unless Egypt resorts to exercising control from naval vessels stationed off the entrance to the Gulf. Egypt has the capability to do this. However, Egypt has never thus far attempted to exercise the right of visit and search outside its ports or checkpoints within territorial waters. Should Egypt attempt to exercise control within territorial waters offshore or on the high seas, it would probably face international complications with the principal maritime nations as well as Israeli reprisals. Furthermore, it is likely that such Egyptian actions would antagonize many UN members and might forfeit Egypt its recent advantage of being the victim rather than perpetrator of an international wrong.

Saudi Arabia, which controls the east coast of the Strait of Tiran, could conceivably take unilateral action to prevent entry of Israeli or Israeli-bound vessels into the Gulf. One possibility open to Saudi Arabia is to assert its sovereignty over Tiran and demand that UNEF forces leave the island. In the event that Saudi forces were then to occupy the island, they might attempt to control shipping through the Strait of Tiran from positions on the island. Similar attempts could be made from the Saudi mainland, but probably less effectively.

Assuming an Israeli-bound ship made the trip safely through the mouth and up the Gulf to its head, it is still possible that Jordanian, Saudi, or Egyptian forces might attempt to bar access to Elath or to enforce control regulations. While there are no indications that any such move is planned for the immediate future, maneuverability at the head of the Gulf is so restricted and tensions so high that the possibility of incidents due to accidental violation of territorial waters cannot be excluded. Such an incident could conceivably lead to hostilities between Israeli and Arab forces.

The Saudi Government has been disturbed by the prospect of free Israeli passage through the Gulf of Aqaba, not only because of general Arab hostility toward Israel but more specifically because of its fear that Israel might employ oil shipments through Aqaba and a pipeline to the Mediterranean for political purposes (i.e., exert pressure by underselling the Arab states). For the present, however, Saudi Arabia's initiative will be limited by its military capabilities and probably also by the King's desire to avoid disturbing friendly relations with the United States.

The presence of the UN force, coupled with the declarations by the US and other maritime powers that they regard the Strait of Tiran as an international waterway,¹ will probably -- in the short run, at least --

1. See Section III below, Legal and Geographical Background.

restrain the Arab states bordering on the Gulf of Aqaba from taking action against merchant shipping, particularly non-Israeli-flag shipping. Even if Israeli-flag merchant ships test the route, it is unlikely that hostile action will occur in the immediate future unless internal political pressures, particularly in Egypt, become overwhelming. It is more likely that Egypt, in concert with the other riparian Arab states, would reassert its view that the entrance to the Gulf is not an international waterway and would attempt to seek a determination of the question short of force, either in the UN or possibly in the Court of International Justice. There would also be the possibility of Arab reprisals, such as refusal on Syria's part to permit oil from flowing through the pipeline and possibly renewed difficulties on Canal transit.

The problem of Israeli warships and possibly armed merchantmen is a more difficult one but even against such ships the use of force is not very likely unless Egypt decides to challenge UNEF presence.

Should effective UNEF presence come to an end, there would no doubt be strong pressures in Egypt for the reestablishment of the status-quo ante with a very much increased likelihood of an armed clash. Should Egypt wish to avoid such a clash, it is possible that it would try to achieve a solution through an international body before the UNEF leaves. Such a solution might obviate the difficult choice of either acknowledging defeat by Israel in the question of passage through the Gulf of Aqaba or embarking upon the dangerous course of reestablishing Egyptian shipping controls.

III. LEGAL AND GEOGRAPHICAL BACKGROUND

The Gulf of Aqaba is a narrow body of water 98 miles long and varying in width from 7 to 14 miles within the entrance. Access to the Gulf can be had through two passages, Enterprise Passage and Grafton Passage. Both passages are located between Ras Nasrani on the Egyptian mainland (Sinai Peninsula) and the island of Tiran, the total distance between Sinai and Tiran being three to four miles. The Egyptian gun emplacements located at Ras Nasrani were destroyed by the Israelis in the course of the present hostilities and the Egyptian garrison quartered at Sharm al-Shaykh south of Ras Nasrani on the mainland was forced to flee. The Island of Tiran and the smaller island of Senafir, located two miles east of Tiran, were occupied by Egypt in 1950 "in complete agreement with the Government of Saudi Arabia." However, the question of sovereignty over these two islands has never been resolved and recently the Saudi Government has attempted to establish its claim to both. The mainland on the east side of the entrance to the Gulf of Aqaba is undisputed Saudi territory. The total distance between the Sinai Peninsula and the Saudi mainland at the entrance to the Gulf is about eight miles.

Both Saudi Arabia and Egypt claim a six-mile belt of territorial waters. Thus the territorial waters of the two countries would overlap at the entrance to the Gulf. Even if only a three-mile limit rather than a

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six-mile limit were recognized, the entrance to the Gulf would still fall within territorial waters if the two islands of Tiran and Sanafir were each given a territorial belt of three miles. Furthermore, the only navigable channels are between the Sinai coast and Tiran and have to be regarded as being within territorial waters. Whether the territorial waters would be wholly Egyptian or divided between Egypt and Saudi Arabia would depend on the resolution of the question of sovereignty over Tiran.

The coasts along the Gulf are under Egyptian sovereignty in the West and under Saudi sovereignty in the East up to the head of the Gulf. At the head of the Gulf short coastal strips of Israel and Jordan separate the Egyptian and Saudi territories. The Israeli port of Elath is only about four miles distance from the Jordanian port of Aqaba and the distance from Elath to the Egyptian border is about five miles. The approach to Elath thus can hardly avoid the territorial waters of one of the riparian Arab states. Until now no acute problems have arisen at the head of the Gulf -- mainly, no doubt, because control was exercised by Egypt at the entrance.

There is no unanimity on the status in international law of the Strait of Tiran and the Gulf of Aqaba. The United States has declared that it regards the Strait as an international waterway because they offer the only access between two international bodies of water. It is very likely that many other maritime nations will take the same attitude. Egypt has held that the Strait is within its "national or territorial waters." In 1951, Egypt served notice on the maritime nations that it would permit innocent passage of merchant vessels and warships other than Israeli subject to its rights of control and visit and search. Israeli merchantmen would pass "at their own risk" subject to Egyptian prize law. Israeli warships were barred by Egypt under Article 2, paragraph 2 of the Egyptian-Israeli armistice agreement which bars military forces or vessels of one party from entering into or passing through the airspace or territorial waters up to three miles, of the other. In 1954 Israel complained to the Security Council about the restrictions on shipping in the Gulf of Aqaba but no action was taken and Egypt exercised its control of Elath-bound shipping until the ouster of the Egyptian garrison from the entrance of the Gulf by Israeli forces in October 1956.

The International Law Commission of the UN while dealing with other types of bays has not yet ruled on the status of a bay of the type of the Gulf of Aqaba. In the last analysis, however, the problem of free and innocent passage through the Strait may hinge as much if not more on the question of Egyptian belligerency as on the question of the exact legal nature of the Strait.

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